

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

HENDERSON-UNION RURAL ELECTRIC)	
COOPERATIVE CORPORATION)	
)	
COMPLAINANT)	
)	
V.)	CASE NO. 93-211
)	
KENTUCKY UTILITIES COMPANY)	
)	
DEFENDANT)	

O R D E R

On March 18, 1994, Henderson-Union Rural Electric Cooperative Corporation ("Henderson-Union") filed a petition requesting rehearing of the Commission's March 3, 1994 Order finding that Kentucky Utilities Company ("KU") should be entitled to serve a new mine facility to be located in Union County, Kentucky. Henderson-Union argues that the Commission failed to distinguish between two distinct customers. One is an underground coal mine to be operated by Union County Coal Company, Inc., a corporation owned by Gary Peyton; the other is a coal washer to be operated by Gary Peyton, d/b/a Kentucky Processing Company. Henderson-Union maintains that since the coal washer is located exclusively within its certified territory, Henderson-Union has an unqualified right to serve this facility.

KU responded by stating that the issue in this case was not whether one or more customers were located within adjacent

certified territories but, rather, whether an electric consuming facility is located within adjacent service territories. In its view, the electric consuming facility in this case is the coal mine and the coal washer. As support for its position, KU cites Owen County Rural Electric v. Public Service Commission, Ky.App., 689 S.W.2d 599, 602 (1985).

Based on the petition and being otherwise sufficiently advised, the Commission finds that, pursuant to KRS 278.390, reconsideration should be granted for the limited purpose of determining whether the coal washer should be considered as an electric consuming facility separate and distinct from the coal mine.

IT IS THEREFORE ORDERED that:

1. Pursuant to KRS 278.390, reconsideration shall be granted to the limited extent set forth in the findings above.
2. Any party may file a brief on the issue set for reconsideration within 20 days of the date of this Order and a reply brief within 30 days of the date of this Order.

Done at Frankfort, Kentucky, this 7th day of April, 1994.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director